

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.16031 of 2005**

DATE OF DECISION: February 12, 2007

SHRI CHAND

...PETITIONER

VERSUS

STATE OF HARYANA & OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE R.S. MADAN.**

PRESENT: MR. RAESH ARORA, ADVOCATE FOR THE PETITIONER.

MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. DEEPAK JINDAL, AAG, HARYANA.

MR. K.S. MALIK, ADVOCATE FOR RESPONDENT NO.2 & 4.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has prayed that the services rendered by him as a work-charge employee from 1.10.1997 upto 24.1.1990, be counted for the purposes of fixation of his retiral and pensionary benefits.

The petitioner was working as a work-charge employee for the aforementioned period as T-Mate in the Haryana State Electricity Board. The services of the petitioner were regularized on 25.1.1990, as T-Mate. He retired from service on attaining the age of 58 years on 31.1.2005, as Assistant Line Man. The petitioner has prayed that the services rendered by him as work-charge employee be counted towards his pensionary benefits. Learned counsel relies on the judgement (Annexure P-9) in support of his argument. He also relies on the judgement in CWP No.14605 of 2003 Ram Avadh, A.L.M. (Retired) vs. Haryana Vidyut Prasaran Nigam Ltd. and others.

We have perused both the judgements and are of the considered opinion that case of the petitioner is squarely covered by the judgement (Annexure P-9) as well as Ram Avadh's case (supra).

In view of the above, we allow the writ petition and direct the respondents to refix all the retiral benefits of the petitioner by counting the work-charge period rendered by the petitioner for the aforementioned purposes with the following condition:-

“In case, the petitioner shall deposit the employers' share of the provident fund alongwith the upto-date interest thereon within one month from today, the respondent-Board shall pay the pension to the petitioner effect from 1.10.1997, within two months from the date of deposit by the petitioner.”

(ASHUTOSH MOHUNTA)
JUDGE

February 12, 2007
Gulati

(R.S. MADAN)
JUDGE